

211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

Waterfront Overlay Ordinance Land Development Code Section	Ordinance Requirements	Project Compliance
<p>§ 25-2-692 WATERFRONT OVERLAY DISTRICT USES. <i>Source: Section 13-2-228; Ord. 990225-70; Ord. 990715-115; Ord. 990902-57; Ord. 010607-8; Ord. 031211-11; Ord. 032111-41; Ord. 040617-Z-1.</i></p>	<p>(H) In the Butler Shores subdistrict, not less than 50 percent of the net usable floor area of the ground level of a structure adjacent to Town Lake must be used for pedestrian oriented uses.</p>	<p>THE CUMULATIVE AMOUNT OF PEDESTRIAN-ORIENTED USES ALONG THE TOAL STREET FRONTAGES OF THE PROJECT (EXCLUDING AREAS NOT TYPICALLY INCLUDED AS FRONTAGE IN SUCH CALCULATIONS) SHALL EXCEED 75%.</p>
<p>§ 25-2-721 WATERFRONT OVERLAY (WO) COMBINING DISTRICT REGULATIONS. <i>Source: Section 13-2-700; Ord. 990225-70; Ord. 990715-115; Ord. 010607-8; Ord. 031211-11; Ord. 20090611-074.</i></p>	<p>(B) In a primary setback area: (1) except as otherwise provided in this subsection, parking areas and structures are prohibited; and (2) park facilities, including picnic tables, observation decks, trails, gazebos, and pavilions, are permitted if: (a) the park facilities are located on public park land; and (b) the impervious cover does not exceed 15 percent.</p>	<p>PRIMARY SETBACK AREA LIES OUTSIDE PROJECT BOUNDARY</p>
	<p>(C) In a secondary setback area: (1) fountains, patios, terraces, outdoor restaurants, and similar uses are permitted; and (2) impervious cover may not exceed 30 percent. (D) This subsection provides requirements for parking areas. (1) Surface parking: (a) must be placed along roadways, if practicable; and (b) must be screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part. (2) A parking structure that is above grade:</p>	<p>SECONDARY SETBACK AREA LIES OUTSIDE PROJECT BOUNDARY</p>

211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

	<p>(a) must be on a pedestrian scale and either architecturally integrated with the associated building or screened from views from Town Lake, the Colorado River, park land, and the creeks named in this part; and</p> <p>(b) if it is adjacent to Town Lake, the Colorado River, park land, or a creek named in this part, it must incorporate pedestrian oriented uses at ground level.</p> <p>(3) Setback requirements do not apply to a parking structure that is completely below grade.</p> <p>(E) This subsection provides design standards for buildings.</p>	
	<p>(1) Exterior mirrored glass and glare producing glass surface building materials are prohibited.</p>	<p>THERE WILL BE NO MİRRORED GLASS AND NO GLARE PRODUCING GLASS SURFACE BUILDING MATERIALS AS REQUIRED</p>
	<p>(2) Except in the City Hall subdistrict, a distinctive building top is required for a building that exceeds a height of 45 feet. Distinctive building tops include cornices, steeped parapets, hipped roofs, mansard roofs, stepped terraces, and domes. To the extent required to comply with the requirements of Chapter 13-1, Article 4 (<i>Heliports and Helicopter Operations</i>), a flat roof is permitted.</p>	<p>THE TOP FLOOR IS STEPPED BACK ON ALL 3 SIDES TO PROVIDE A DISTICNTLY DIFFERENT BUILDING TOP, THE ROOF IS UNDULATING AND HAS A THICKNESS TO PROVIDE A DISTINCT BUILDING CORNICE.</p>
	<p>(3) Except in the City Hall subdistrict, a building basewall is required for a building that fronts on Town Lake, Shoal Creek, or Waller Creek, that adjoins public park land or Town Lake, or that is across a street from public park land. The basewall may not exceed a height of 45 feet.</p>	<p>BETWEEN THE GORUND FLOOR AND UPPER FLOOR THERE IS A PROJECTION THAT VISUALLY SEPARATES THE BASE AND UPPER PORTION OF THE BUILDING. IN ADDITION THE UPPER FLOORS</p>

211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

		<p>WILL CHANGE IN MATERIAL PALLETTE.</p> <p><i>(1) BASEWALL means the vertical surface of a building beginning at the finished grade up to a level defined by a setback or an architectural treatment, including a cornice line or similar projection or demarcation, that visually separates the base of the building from the upper portion of the building.</i></p>
	<p>(4) A building facade may not extend horizontally in an unbroken line for more than 160 feet.</p>	<p>THE BUILDING FAÇADE DOES NOT EXTEND HORIZONTALLY UNBROKEN FOR MORE THAN 160 FEET. ON THE GROUND FLOOR OF RETAIL ALONG LAMAR IS LESS THAN 160', ON RIVERSIDE THE GROUND FLOOR IS BROKEN IN THE MIDDLE TO PROVIDE TWO DISTINCT RETAIL LOCATIONS AND ON LEE BARTON THE FAÇADE IS LESS THAN 160'. ON UPPER FLOORS THE BUILDING UNDULATES (CHANGES PLANE) IN AND OUT ALONG THE LENGTH OF THE FAÇADES.</p>
	<p>(F) Underground utility service is required, unless otherwise determined by the utility provider.</p>	<p>UNDERGROUND UTILITY SERVICE WILL BE PROVIDED WHERE REQUIRED.</p>
	<p>(G) Trash receptacles, air conditioning or heating equipment, utility meters, loading areas, and external storage must be screened from public view.</p>	<p>ALL TRASH RECEPTACLES, AIR CONDITIONING OR HEATING EQUIPMENT, UTILITY METERS, LOADING AREAS, AND EXTERNAL STORAGE</p>

211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

		WILL BE SCREENED FROM PUBLIC VIEW WHERE REQUIRED.
<p>§ 25-2-722 SPECIAL REGULATIONS FOR PUBLIC WORKS. <i>Source: Section 13-2-700.1; Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11.</i></p>	<p>(A) Development of public works in Town Lake Park, including utility construction, flood control channels, and bridge improvements, must be consistent with the Town Lake Park Plan.</p> <p>(B) The Watershed Protection and Development Review Department shall review an application for development of public works in Town Lake Park and shall work with the Parks and Recreation Department to implement applicable recommendations by the Comprehensive Watershed Ordinance Task Force that were approved by the council on May 22, 1986.</p> <p>(C) The Environmental Board shall review a project if the director determines that the project offers an opportunity for a major urban water quality retrofit. If Land Use Commission review is required, the Environmental Board shall forward its comments to the Land Use Commission.</p>	NOT APPLICABLE
<p>§ 25-2-723 SPECIAL REGULATIONS FOR PUBLIC RIGHTS-OF-WAY. <i>Source: Section 13-2-700.2; Ord. 990225-70; Ord. 031211-11.</i></p>	<p>A) For a right-of-way described in Subsection (B), development of the right-of-way, including street, sidewalk, and drainage construction, must be compatible with the development of adjacent park land and consistent with the Town Lake Park Plan. Factors to be considered in determining consistency with the Town Lake Park Plan include park land access, road alignment, utility placement, sidewalk design, railing design, sign design and placement,</p>	PROJECT WILL BE COMPATIBLE WITH DEVELOPMENT OF ADJACENT PARK LAND AND CONSISTANT WITH TOWN LAKE PARK PLAN

211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

	landscaping, and stormwater filtration.-	
	<p>(B) Subsection (A) applies to:</p> <p>(1) public rights-of-way within or adjoining the boundaries of the WO combining district, including public rights-of-way for streets designated in the Transportation Plan;</p> <p>(2) Trinity Street, from Cesar Chavez Street to Fifth Street; and</p> <p>(3) Guadalupe Street and Lavaca Street, from Cesar Chavez Street to Fifth Street.</p> <p>(C) For a street described in Subsection (D), streetscape improvements that are consistent with the Town Lake Park Plan are required. A streetscape improvement is an improvement to a public right-of-way, and includes sidewalks, trees, light fixtures, signs, and furniture.</p>	PROJECT WILL BE CONSISTENT WITH TOWN LAKE PARK PLAN STREETScape IMPROVEMENTS
<p>§ 25-2-733 BUTLER SHORES SUBDISTRICT REGULATIONS.</p> <p><i>Source: Section 13-2-702(m); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.</i></p>	<p>(A) This section applies in the Butler Shores subdistrict of the WO combining district.</p> <p>(B) The primary setback lines are located:</p> <p>(1) 100 feet landward from the Town Lake shoreline;</p>	PROJECT LIES OUTSIDE OF PRIMARY SETBACK LINE
	<p>(2) 35 feet south of the southern boundary of Toomey Road;</p> <p>(3) 35 feet south of the southern boundary of Barton Springs Road;</p> <p>(4) 35 feet north of the northern boundary of Barton Springs Road; and</p> <p>(5) 100 feet from the Barton Creek centerline.</p> <p>(C) The secondary setback line is located 100 feet from the primary setback line of Town Lake.</p>	PROJECT LIES OUTSIDE OF PRIMARY AND SECONDARY SETBACK LINES
	(D) Impervious cover is prohibited on land with a gradient that exceeds 25 percent.	NO GRADIENT EXCEEDS 25%

211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

	<p>(E) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.</p> <p>(1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.</p>	<p>GROUND FLOOR LEVEL ON LAMAR AND RIVERSIDE IS WRAPPED WITH RETAIL STOREFRONT ON OVER 60% OF THE WALL FRONTAGE</p>
	<p>(2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.</p>	<p>WHERE NO GLAZING, A STRCUTURAL PODIUM AT THE 2ND LEVEL WILL BREAK ANY BASE WALL CONTINUITY ALONG RIVERSIDE</p>
	<p>(3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.</p>	<p>WE WILL BE USING NATURAL BUILDING MATERIALS WHERE REQUIRED</p>
	<p>(F) For a structure on property adjacent to and oriented toward Barton Springs Road, a building basewall is required, with a maximum height of:</p> <p>(1) 45 feet, if north of Barton Springs Road; or</p> <p>(2) 35 feet, if south of Barton Springs Road.</p> <p>(G) That portion of a structure built above the basewall and oriented towards Barton Springs Road must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Barton Springs Road.</p> <p>(H) The maximum height is:</p> <p>(1) for structures located north of Barton Springs Road, the lower of 96 feet or the maximum height allowed in the base zoning district; and</p>	<p>NOT APPLICABLE</p>

211 South Lamar Planned Unit Development
Waterfront Overlay Ordinance Project Compliance

	(2) for structures located south of Barton Springs Road, the lower of 60 feet or the maximum height allowed in the base zoning district.	
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211 South Lamar
C814-2012-0160
Environmental Superiority

Superiority Item	Applicable PUD Note
1. The PUD does not request any exceptions to or modifications of environmental regulations.	
2. The PUD prohibits uses that may contribute to air or water quality pollutants.	<p>The PUD prohibits the following uses that may contribute to air or water quality pollutants:</p> <ul style="list-style-type: none">• Agricultural Sales and Services• Automotive Rentals• Automotive Repair Services• Automotive Sales• Automotive Washing• Construction Sales and Services• Drop-Off Recycling Collection Facility• Equipment Repair Services• Equipment Sales• Extermination Services• Plant Nursery• Printing and Publishing• Service Station• Vehicle Storage• Custom Manufacturing• Limited Warehousing and Distribution• Maintenance and Service Facilities
3. Project meets or exceeds Austin Energy 3-Star Green Builder Program	<u>Note 3:</u> The Planned Unit Development will comply with the City of Austin Green Building Commercial Program with a (minimum) Three-Star rating.
4. The PUD will provide and IPM program and limit pesticide use on site.	<u>Note 15:</u> An Integrated Pest Management Program will be implemented following the guidelines developed by the Grow Green Program in order to limit the use of pesticides on site.
5. The PUD is exceeding the landscaping irrigation requirements by 100%.	<u>Note 17:</u> 100% of all landscaping on site will be irrigated by either storm water runoff conveyed to rain gardens for through the use of rainwater harvesting (or a combination of both); provided, however, the applicant shall have the right to supplement such landscape irrigation with potable water, if necessary.
6. The PUD will exceed native and adaptive landscape requirements by 100%	<u>Note 16:</u> 100% of all landscape planting on site will be those designated by the City of Austin Grow Green Native and Adapted Plant Guide.
7. The project will comply with code requirements for on-site water quality treatment. (See included calculations)	<u>Note 25:</u> The development shall meet or exceed all current land development code requirements with respect to on-site water quality treatment as

211 South Lamar
C814-2012-0160
Environmental Superiority

	reviewed and approved by the City of Austin at the time of site development permit application.
8. The project will provide enhanced bicycle facilities on site for both residents and the public.	<p><u>Note 27:</u> The project will provide the following bicycle facilities:</p> <ul style="list-style-type: none">A. Bicycle parking for retail patrons of the project at a level equal to or exceeding the greater of (1) 120% of code required bicycle parking for such retail area or (2) 10 bicycle parking spaces. All such bicycle parking spaces shall be located on the ground floor of the parking garage, within the public plaza area or within the planting or supplemental zone along any of the adjacent roadways.B. Bicycle parking for the residents of the project. Such bicycle parking shall be provided in a secure location within the project's parking garage; andC. If elected by the City of Austin within two (2) years of the issuance of a certificate of occupancy for the residential portion of the project, a public "Bike Share Kiosk" in a location mutually acceptable to the City of Austin and the applicant in the project's Public Plaza area or the planting or supplemental zone along Riverside Drive. Such "Bike Share Kiosk" shall be sized as desired by the City of Austin (but not to exceed 10 bike parking spaces without the further consent of the owner) and shall be operated and maintained by the City of Austin consistent with other "Bike Share Kiosks" in the general proximity of the project.
9. The project is preserving 8 trees (5 along Riverside Drive and 3 along Lee Barton) on the site that would be lost if the project was constructed on current zoning.	<p><u>Note 32:</u> The project will preserve trees 1709, 1711, 1712, 3001, 3002, 3003, 3004, and 3005 as noted on the Land Use Plan. The project will develop and adopt a formal tree care plan as part of the site development permit process. The critical root zones as shown on the Land Use Plan will remain undisturbed.</p>
10. The project will exceed the required amount of open space on the project by 140%.	<p><u>Note 37:</u> The minimum amount of open space within the project shall be 14,000 square feet. A minimum of 3,000 square feet of public open</p>

211 South Lamar
C814-2012-0160
Environmental Superiority

	space shall be provided on the ground floor of the project. A minimum of 11,000 square feet of private or public open space shall be provided on levels above the ground floor. Decks, balconies, patios and water quality facilities such as rain gardens, rain water collection areas, vegetative filter strips, bio-filtration and porous pavement for pedestrian use located on either the ground floor or upper floors shall be permitted to be included in the calculation of open space as long as any such areas are at least 5 feet in width.
11. The PUD will exceed onsite water quality treatment requirements.	<u>Note 38:</u> The applicant shall construct and maintain in perpetuity rain gardens, or other city of Austin approved water quality facilities, on or adjacent to South Lamar Boulevard, or another location mutually agreed upon by the City of Austin and the owner, that provide water quality treatment for currently untreated off-site areas with a minimum drainage area of 10,500 SF and a minimum of 1,150 CF of treatment volume which is an amount greater than 25% of the project area.
12. The PUD will provide curb inlet features to remove floatables adjacent to site.	<u>Note 39:</u> The project will provide and maintain the three curb inlet filters in the existing inlets on South Lamar Boulevard, Riverside Drive and Lee Barton Road adjacent to the site.



Exhibit I











Exhibit I



P E T I T I O N

Date: December 10, 2012

File Number: CD-2012-0021

Address of Rezoning Request:
211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code, which would zone the property to any classification that exceeds the existing zoning requirements of the Waterfront Overlay and the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

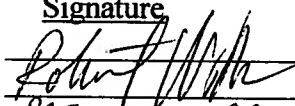
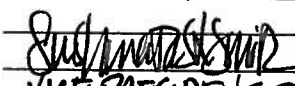
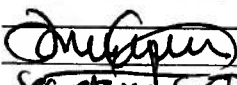
- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. *This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.*

- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - the maximum floor-area ratio;
 - total square footage and whether structured parking facilities are proposed;
 - maximum impervious cover;
 - minimum setbacks;
 - the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - all civic uses by type and proposed site development regulations; and
 - a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,
Bridges on the Park Condominium Association, Inc.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	ROBERT WILSON	210 LEE BARTON DR. #405 AUSTIN, TX 78704
PRESIDENT, BRIDGES ON THE PARK CONDOMINIUM ASSOCIATION		
	SUSHMA SMITH	210 LEE BARTON DR. #609, AUSTIN, TX 78704
VICE PRESIDENT, BRIDGES ON THE PARK CONDOMINIUM ASSOCIATION		
	Claudia Davila	210 Lee Barton Dr #511, Austin, TX 78704
Secretary & Treasurer, Bridges on the Park Condominium Association		

Date: December 10, 2012

Contact Name: Sushma Jasti Smith

Phone Number: 281.772.9618

PETITION

Case Number: **Magic Ticket # 1231488**

Date: 2/28/2013

Total Square Footage of Buffer: 288659.50

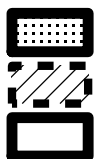
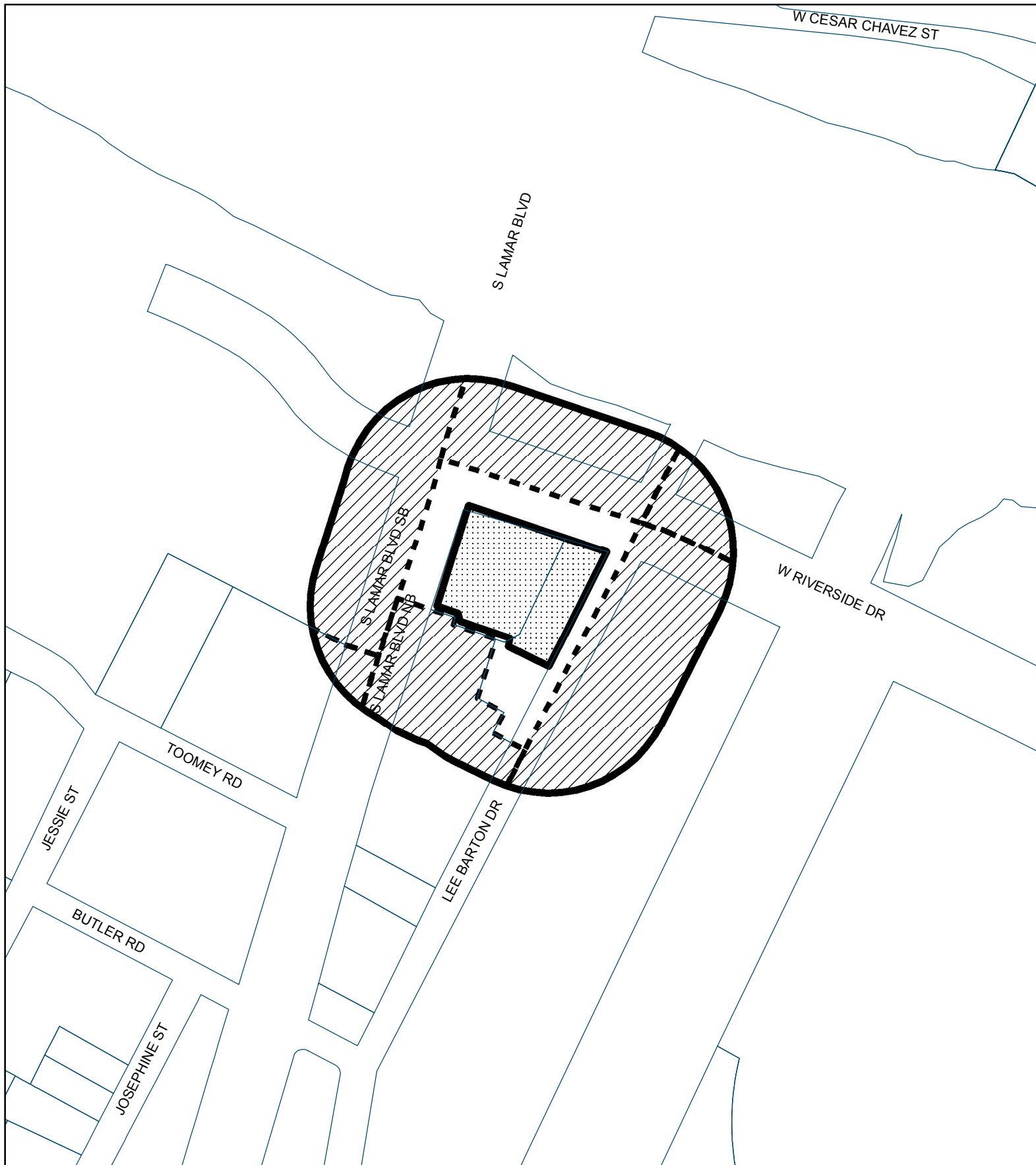
Percentage of Square Footage Owned by Petitioners Within Buffer: 14.44%



Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
1	0105020201	ROBERT E LEE RD 78704	CITY OF AUSTIN	no	14035.11	0.00%
2	0105020201	ROBERT E LEE RD 78704	CITY OF AUSTIN	no	46,997.26	0.00%
3	0105020101	200 S LAMAR BLVD 78704	CITY OF AUSTIN	no	56234.15	0.00%
4	0104010201	1201 W RIVERSIDE DR 78704	CITY OF AUSTIN % REAL ESTATE DIVISION	no	73565.00	0.00%
5	0105020901	210 LEE BARTON DR	MULTIPLE OWNERS	yes	41693.41	14.44%
6	0105020102	218 S LAMAR BLVD 78704	PFLUGER MICHAEL CARL & WILLIAM REID PFLUGER	no	7767.09	0.00%
7	0105020301	213 S LAMAR BLVD 78704	POST PAGGI LLC	no	13195.16	0.00%
8						0.00%
23						0.00%
24						0.00%
						Total %

14.44%



SUBJECT_TRACT

PROPERTY_OWNER

BUFFER

PETITION

CASE#: C814-2012-0160

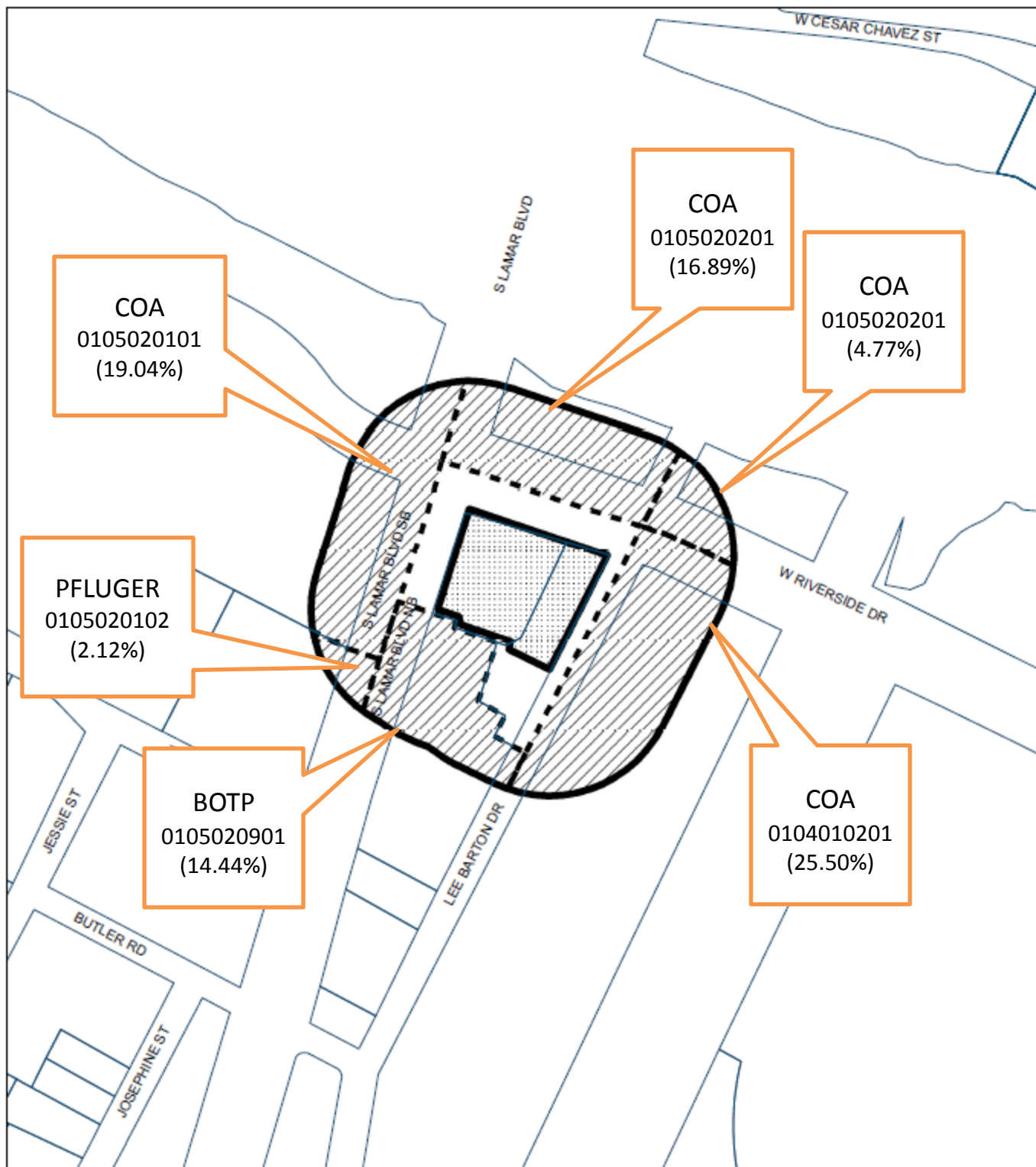
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Official GIS Staff Map

Exhibit P - 4





SUBJECT_TRACT

PROPERTY_OWNER

BUFFER

PETITION

CASE#: C814-2012-0160

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Annotated PDR Staff Map

Exhibit P - 5

-----Original Message-----

From: Robert Wilson
Sent: Thursday, February 28, 2013 4:14 PM
To: Heckman, Lee
Subject: Re: C814-2012-0160 / 211 S Lamar Proposed PUD

Lee,

Thank you for spending so much time with us yesterday. I really appreciate it and the information was extremely helpful. I'll follow up with Brad Jackson after reviewing the most current tree survey.

Attached is an updated "valid petition" letter which reflects the proposed PUD case number. Please let me know if this is sufficient to include in the packets or if you would prefer a hard copy.

Best regards,
Robert Wilson
(512) 656-4604

P E T I T I O N

Date: December 10, 2012

File Number: C814-2012-0160

Address of Rezoning Request:
211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

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- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
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- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - the maximum floor-area ratio;
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 - minimum setbacks;
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 - all civic uses by type and proposed site development regulations; and
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Sincerely,
Bridges on the Park Condominium Association, Inc.

Signature

Printed Name

Address

Date: December 10, 2012

Contact Name: Sushma Jasti Smith

Phone Number: 281.772.9618